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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Dayton, Ohio

Docket No. 9112.00

JAN 06 2005

Application of: **Graham Russell et al.**

Serial No. 09/665,846

Group Art Unit: 3624

Filed: **September 20, 2000**

Examiner: **Stefanos Karmis**

For: **DISTRIBUTED IMAGE CAPTURE PROOF-OF-DEPOSIT
SYSTEM AND METHOD OF OPERATING A DISTRIBUTED
IMAGE CAPTURE PROOF-OF-DEPOSIT SYSTEM**

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria VA 22313-1450 on JAN 06 2005 (Date of Deposit).

Shirley Doll
Shirley Doll

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APPEAL BRIEF

Sir:

This Appeal Brief is in furtherance of the Notice of Appeal filed in this case on **December 21, 2004**. Three copies of the Appeal Brief are filed herewith. Authorization is given to charge deposit account number 14-0225 for the fee under 37 C.F.R. 1.17 for filing the Appeal Brief.

(1) REAL PARTY IN INTEREST

The present application is assigned to NCR Corporation of Maryland.

(2) RELATED APPEALS AND INTERFERENCES

None.

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(3) STATUS OF ALL CLAIMS

The above-identified patent application was filed on September 20, 2000 with claims 1-24. In response to an Office Action mailed March 23, 2004, claims 3-6, 8, 15-18, and 20 were canceled, claims 1, 2, 7, 9-14, 19, and 21-24 were amended, and new claims 25 and 26 were added. In response to a final Office Action mailed on September 21, 2004, claims 1, 2, 7, 10-14, 19, and 22-24 were canceled and claims 9 and 21 were amended, but no amendments were entered. A Notice of Appeal was filed on December 21, 2004. Thus, claims 1, 2, 7, 9-14, 19, and 21-26 remain pending and stand rejected.

Claims 12, 24, 25, and 26 are being appealed and are attached as an appendix to this Appeal Brief. Also, claims 9, 10, and 11 are attached to the appendix since claim 12 (which is being appealed) depends from these claims. Also, claims 22, 23, and 24 are attached to the appendix since claim 24 (which is being appealed) depends from these claims.

(4) STATUS OF ALL AMENDMENTS FILED SUBSEQUENT TO FINAL REJECTION

No amendments were entered subsequent to final rejection.

(5) CONCISE SUMMARY OF THE INVENTION

An encoding workstation 26 of an image-based item processing system is provided for processing physical document items which are contained in a number of document trays without using a group of physical tracer document items in the document trays (see page 12, lines 5-10 of the specification). Initially, a determination is made as to whether a group of physical tracer items is included in a tray of physical document items (see page 12, lines 15-17 of the specification, and Fig. 7). A unique group of logical tracer document items is associated with the tray of physical document items when the determination is negative (see page 12, lines 19-21 of the specification). A logical pocket number is then assigned to each logical tracer document item in the unique group of logical tracer document items (see page 13, lines 4-10 of the specification). For each logical tracer document item, a physical blank

document item is encoded with information associated with the particular logical tracer document item (see page 13, lines 11-12 of the specification). For each encoded item, the encoded physical document item is routed to a physical pocket which has been assigned the corresponding logical pocket number assigned thereto (see page 13, lines 12-13 of the specification).

(6) CONCISE STATEMENT OF ALL ISSUES PRESENTED FOR REVIEW

An issue presented for review is whether each of 12, 24, 25, and 26 is patentable over U.S. Publication No. 2002/0073060 to Geisel et al. (referred to herein as “Geisel”).

(7) GROUPING OF CLAIMS FOR EACH GROUND OF REJECTION WHICH APPLICANT CONTEST

Claim 12 is grouped by itself.

Claim 24 is grouped itself.

Claim 25 is grouped itself.

Claim 26 is grouped itself.

(8) THE REJECTION

Claims 12, 24, 25, and 26 are rejected under 35 U.S.C. §102(e) as being anticipated by Geisel.

(9) APPLICANT'S POSITION

Applicant would like to respectfully point out that the rejection of claims 12, 24, 25, and 26 is improper for reasons explained hereinbelow.

Claim 12

With regard to claim 12, Applicant would like to respectfully point out that claim 12 recites, inter alia, “for each logical tracer document item, encoding a physical

blank document item with information associated with the particular logical tracer document item”. Geisel does not disclose this element. The Examiner has not addressed this element of claim 12 in any Office Action. Applicant has respectfully requested that the Examiner specifically point out where Geisel discloses or suggests this element recited in claim 12 of the present application. However, the Examiner has not provided any explanations. Absent an adequate explanation, it is respectfully submitted that the rejection of claim 12 is improper and, therefore, should be withdrawn.

Claim 24

With regard to claim 24, Applicant would like to respectfully point out that claim 24 recites, inter alia, “for each logical tracer document item, means for encoding a physical blank document item with information associated with the particular logical tracer document item”. Geisel does not disclose this element. The Examiner has not addressed this element of claim 24 in any Office Action. Applicant has respectfully requested that the Examiner specifically point out where Geisel discloses or suggests this element recited in claim 24 of the present application. However, the Examiner has not provided any explanations. Absent an adequate explanation, it is respectfully submitted that the rejection of claim 24 is improper and, therefore, should be withdrawn.

Claim 25

With regard to claim 25, Applicant would like to respectfully point out that claim 25 recites, inter alia, “assigning a unique entry number to all batches of document items received from the branch during a predetermined period of time” and “creating a group of logical tracer document items based upon the assigned unique entry number”. Geisel does not disclose these elements. The Examiner has not addressed these elements of claim 25 in any Office Action. Applicant has respectfully requested that the Examiner specifically point out where Geisel discloses or suggests these elements recited in claim 25 of the present application. However, the Examiner has not provided any explanations. In fact, the Examiner has stated nothing more than “Newly added claims 25 and 26 contain limitations

similar to previously rejected claims 1, 2, 7, 9-14, 19, and 21-24 and therefore stand rejected for the reasons stated above.” to reject claim 25 of the present application. Absent a more detailed and adequate explanation, it is respectfully submitted that the rejection of claim 25 is improper and, therefore, should be withdrawn.

Claim 26

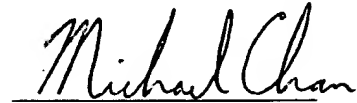
With regard to claim 26, Applicant would like to respectfully point out that claim 26 recites, inter alia, “means for assigning a unique entry number to all batches of document items received from the branch during a predetermined period of time” and “means for creating a group of logical tracer document items based upon the assigned unique entry number”. Geisel does not disclose these elements. The Examiner has not addressed these elements of claim 26 in any Office Action. Applicant has respectfully requested that the Examiner specifically point out where Geisel discloses or suggests these elements recited in claim 26 of the present application. However, the Examiner has not provided any explanations. In fact, the Examiner has stated nothing more than “Newly added claims 25 and 26 contain limitations similar to previously rejected claims 1, 2, 7, 9-14, 19, and 21-24 and therefore stand rejected for the reasons stated above.” to reject claim 26 of the present application. Absent a more detailed and adequate explanation, it is respectfully submitted that the rejection of claim 26 is improper and, therefore, should be withdrawn.

(10) CONCLUSION

In view of the forgoing reasons, it is clear that the rejection of claims 12, 24, 25, and 26 under 35 U.S.C. Section 102(e) is improper and, therefore, should be withdrawn. It is respectfully requested that the Board reverse the rejection of claims 12, 24, 25, and 26.

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Respectfully submitted,

A handwritten signature in cursive script, reading "Michael Chan". The signature is written in black ink and is positioned above a horizontal line.

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(11) APPENDIX

9. A method of operating an encoding workstation of an image-based item processing system to process physical document items which are contained in a number of document trays without using a group of physical tracer document items in the document trays, the method comprising the steps of:

(a) determining whether a group of physical tracer document items is included in a tray of physical document items; and

(b) associating unique group of logical tracer document items with the tray of physical document items when the determination in step (a) is negative.

10. A method according to claim 9, further comprising the step of:

(c) assigning a logical pocket number to each logical tracer document item in the unique group of logical tracer document items.

11. A method according to claim 10, further comprising the step of:

(d) for each logical tracer document item, encoding a physical blank document item with information associated with the particular logical tracer document item.

12. A method according to claim 11, further comprising the step of:

(e) for each encoded item of step (d), routing the encoded physical document item to a physical pocket which has been assigned the logical pocket number of step (c).

21. An encoding workstation of an image-based item processing system for processing physical document items which are contained in a number of document trays without using a group of physical tracer document items in the document trays, the encoding workstation comprising:

means for determining whether a group of physical tracer items is included in a tray of physical document items; and

means for associating a unique group of logical tracer document items with the tray of physical document items when the determination is negative.

22. An encoding workstation according to claim 21, further comprising means for assigning a logical pocket number to each logical tracer document item in the unique group of logical tracer document items.

23. An encoding workstation according to claim 22, further comprising, for each logical tracer document item, means for encoding a physical blank document item with information associated with the particular logical tracer document item.

24. An encoding workstation according to claim 23, further comprising, for each encoded item, means for routing the encoded physical document item to a physical pocket which has been assigned the corresponding logical pocket number assigned thereto.

25. A method of operating a distributed image capture proof-of-deposit system having a central processing site and a number of branches connected via a network with the central processing site, the method comprising:

(a) capturing at a branch images of physical document items without use of a group of physical tracer document items;

(b) transferring the captured images of physical document items from the branch via the network to the central processing site;

(c) receiving at the central processing site the images transferred from the branch;

(d) assigning a unique entry number to all batches of document items received from the branch during a predetermined period of time;

- (e) creating a group of logical tracer document items based upon the assigned unique entry number; and
- (f) associating the group of logical tracer document items with all batches of document items received from the branch during the predetermined period of time so as to allow further downstream processing of the batches of document items at a later time.

26. A distributed image capture proof-of-deposit system having a central processing site and a number of branches connected via a network with the central processing site, the system comprising:

- means for capturing at a branch images of physical document items without use of a group of physical tracer document items;
- means for transferring the captured images of physical document items from the branch via the network to the central processing site;
- means for receiving at the central processing site the images transferred from the branch;
- means for assigning a unique entry number to all batches of document items received from the branch during a predetermined period of time;
- means for creating a group of logical tracer document items based upon the assigned unique entry number; and
- means for associating the group of logical tracer document items with the batches of document items received from the branch during the predetermined period of time so as to allow further downstream processing of the batches of document items at a later time.